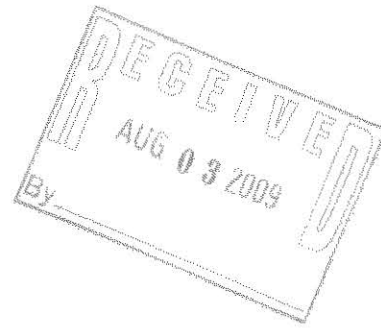


**Exhibit H**

UZICK & ONCKEN, P.C.

Jeffrey H. Uzick

**Attorneys at Law**  
238 Westcott  
Houston, Texas 77007  
(713) 869-2900  
Fax: (713) 869-6699  
E-Mail: [dee@uzickoncken.com](mailto:dee@uzickoncken.com)  
[www.uzickoncken.com](http://www.uzickoncken.com)



July 29, 2009

Mr. Charles Hoecker  
SVP, Customer Care  
Homecomings Financial and GMAC Mortgage, L.L.C.  
Post Office Box 4622  
Waterloo, IA 50704-4622

Dear Sirs:

This firm represents Mr. Richard D. Rode regarding his claim for fraud, misapplication of funds, and deceptive trade practices against GMAC Mortgage, L.L.C., and Homecomings Financial, as it pertains to Account No. [REDACTED] 1023. Mr. Rode has documented over 300 phone calls and letters pertaining to his mortgage on the home located at 2301 West Lawther Lane, Deer Park, Texas, 77536. In spite of his phone calls and letters protesting unwarranted and misapplied payments, GMAC and Homecomings have failed to correct the misapplied funds and remove erroneous and unwarranted charges, causing damage to his credit, and a showing of past due amounts on his mortgage.

On March 20, 2007, Homecomings inappropriately charged \$6,480.56 for insurance when proof of insurance was provided by Mr. Rode. No explanation has ever been given for these charges and has led to a misapplication of mortgage payments.

In August of 2008, Homecomings agreed to a repayment agreement with Mr. Rode; however, Homecomings failed to remove Mr. Rode's ex-wife from the paperwork in spite of his providing a properly executed Quitclaim Deed from Barbara Rode and Homecomings' promise to remove her name from the agreement.

Mr. Rode continued to make payments, as requested by Homecomings (letter dated September 3, 2008), and those payments were accepted, but misapplied due to inappropriate fees and charges. Notice was then sent to Mr. Rode in June of 2009 that Homecomings sold the mortgage to GMAC. GMAC is now failing to honor the agreement between Mr. Rode and Homecomings.

The printout GMAC provided to Mr. Rode on July 8, 2009, shows the principal balance due under this mortgage is \$187,290.87.

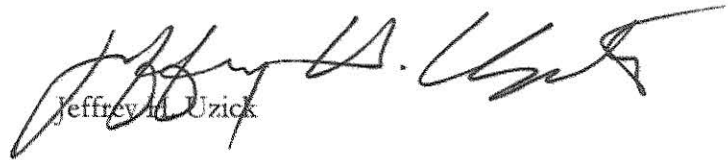
Mr. Charles Hoecker  
July 29, 2009  
Page 2

A letter sent on July 16, 2009, by GMAC to Mr. Rode reflects the amount due and owing on his mortgage is \$37,532.69. Mr. Rode has disputed such charges and has not been provided any explanation of this figure from GMAC. Furthermore, Mr. Rode was charged for the repayment/modification of the loan, but he has never received any paperwork regarding this from either GMAC or Homecomings. Mr. Rode has made all payments required under the signed loan documents and further made payments requested by Homecomings for the agreed repayment agreement.

You are hereby notified that unless an agreement is reached between GMAC, Homecomings, and Mr. Rode regarding the misapplication of funds, late fees, and other charges that have been inappropriately applied to this account, suit will be brought against Homecomings and GMAC for damages and attorneys' fees for fraud, deceptive trade practices, unjust enrichment, and a temporary restraining order/temporary injunction halting any threatened foreclosure. Mr. Rode is ready and willing to make mortgage payments, but will not continue to have them misapplied.

Please contact me upon receipt of this letter to discuss a resolution of this case without suit being filed.

Very truly yours,



Jeffrey M. Uzick

5/dr  
CRRR: 7004-1160-0007-3378-7851